

Message Text

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PAGE 01 STATE 205375

62

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NSAE-00 PA-01 USIA-06 PRS-01 SP-02 INT-05 FEA-01

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FM SECSTATE WASHDC

TO AMEMBASSY OTTAWA

INFO AMCONSUL WINNIPEG BY POUCH

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E.O. 11652: N/A

TAGS: SENV, CA, US

SUBJECT: IJC ANNOUNCES DELAY IN GARRISON REPORT

1. ON AUGUST 13, CHAIRMAN OF THE US SECTION OF THE INTERNATIONAL JOINT COMMISSION, HENRY SMITH, CALLED ON VINE TO CONVEY FORMALLY THE IJC'S CONCLUSION THAT IT WOULD NOT BE POSSIBLE TO MEET THE OCTOBER 1 DEADLINE FOR RESPONDING TO GOVERNMENTS REGARDING THE GARRISON. SMITH ESTIMATED A FINAL SUBMISSION BY JUNE 1, 1977. HE NOTED THE DELAY RESULTS FROM A NEED FOR FURTHER WATER QUALITY DATA AND AN ASSESSMENT OF THE RELIABILITY OF THIS DATA AS WELL AS THE PRINTING PROBLEMS CONNECTED WITH THE PRODUCTION OF THE GARRISON BOARD'S APPROXIMATELY 2,000-PAGE REPORT.

2. DEPARTMENT QUERIED BUREC AS TO POSSIBLE EFFECT OF DELAY
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PAGE 02 STATE 205375

ON GARRISON CONSTRUCTION SCHEDULE. WE WERE INFORMED

SCHEDULE DOES NOT CALL FOR APPROPRIATIONS FOR CONSTRUCTION OF PROJECT ELEMENTS BEYOND MCCLOSKEY CANAL AND LONETREE RESERVOIR WITH IMPACTS ON CANADIAN WATERS IN FY 77-78. THUS WE DO NOT SEE IJC DELAY AT THIS POINT COMPLICATING US IS COMMITMENTS TO CANADA OR ONGOING GARRISON WORK.

3. ON AUGUST 16 CANADIAN EMBASSY OFFICERS CALLED TO DISCUSS IJC DELAY. WE RECONFIRMED USG UNDERTAKINGS RE GARRISON AND

CONVEYED SUBSTANCE PARA 2. US AND CANADA AGREED ON TEXT OF FOLLOWING PRESS RELEASE WHICH WAS DATED AUGUST 16.

BEGIN TEXT: THE GOVERNMENTS OF CANADA AND THE US HAVE BEEN INFORMED BY THE IJC, THROUGH A LETTER TO GOVERNMENTS DATED AUGUST 5, AND THROUGH MEETINGS WITH THE CANADIAN SECRETARY OF STATE FOR EXTERNAL AFFAIRS ON AUGUST 6 AND USG OFFICIALS ON AUGUST 13, 1976 THAT THE COMMISSION'S FINAL REPORT ON THE GARRISON DIVERSION PROJECT IN NORTH DAKOTA WILL NOT BE AVAILABLE BY OCTOBER 31, 1976 AS REQUESTED. THE COMMISSION NOW EXPECTS THAT COPIES OF ITS FINAL REPORT WILL NOT BE AVAILABLE FOR PUBLIC DISTRIBUTION BEFORE JUNE, 1977.

THE COMMISSION EXPLAINS THE REASONS FOR THIS DELAY IN ITS LETTER OF AUGUST 5, 1976. THESE REASONS INCLUDE THE NEED FOR A DETAILED AND PROFESSIONAL ASSESSMENT OF THE AVAILABLE WATER QUALITY DATA, INCLUDING THEIR RELIABILITY, IN ORDER TO ENABLE THE GARRISON STUDY BOARD TO COMPLETE ITS REPORT TO THE COMMISSION; THE TIME CONSUMING RESTRICTIONS IN REPRODUCING THE BOARD'S REPORT, WITH APPENDICES, FOR PUBLIC DISTRIBUTION; AND THE NEED TO ENSURE THAT EVERYONE IS GIVEN AMPLE OPPORTUNITY TO CONSIDER THE SUBSTANTIAL BODY OF INFORMATION IN THE BOARD'S REPORT BEFORE PUBLIC HEARINGS ARE HELD.

THE CANADIAN AND US GOVERNMENTS REGRET THE CONSIDERABLE DELAY NOW EXPECTED BEFORE THE COMMISSION CAN SUBMIT ITS FINAL REPORT TO GOVERNMENTS ON THE FINDINGS OF ITS INVESTIGATION INTO THE TRANSBOUNDARY IMPLICATIONS OF THE GARRISON DIVERSION PROJECT. THE INVESTIGATION IS BEING UNDER-

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PAGE 03 STATE 205375

TAKEN IN RESPONSE TO THE JOINT CANADA-US REFERENCE OF OCTOBER 22, 1975, WHICH ASKED THE COMMISSION, INTER ALIA, TO RECOMMEND WHAT MEASURES MIGHT BE TAKEN TO ASSIST GOVERNMENTS IN ENSURING THAT THE PROVISIONS OF ARTICLE IV OF THE BOUNDARY WATERS TREATY OF 1909 ARE HONORED.

WHILE REGRETTING THE DELAY, THE GOVERNMENTS OF CANADA AND THE US BOTH RECOGNIZE THAT THE COMMISSION MUST HAVE

ACCURATE APPROVED WATER QUALITY DATA, ACCEPTABLE TO ITS STUDY BOARD, ON WHICH TO BASE ITS FINAL REPORT. THE GOVERNMENTS ALSO AGREE THAT THE PUBLIC IN BOTH COUNTRIES MUST BE GIVEN ADEQUATE TIME TO REVIEW THE GARRISON STUDY BOARD'S REPORT BEFORE PUBLIC HEARINGS ARE SCHEDULED. AT THE SAME TIME, HOWEVER, THE GOVERNMENTS HAVE EXPRESSED CONCERN THAT THE COMMISSION'S REPORT NOT BE UNDULY DELAYED, AND HAVE URGED THE COMMISSION TO ENDEAVOR TO SUBMIT ITS REPORT AT THE EARLIEST PRACTICABLE DATE.

THE USG ASSURED THE GOC IN FEBRUARY 1974 THAT IT WILL COMPLY WITH ITS OBLIGATIONS TO CANADA UNDER THE BOUNDARY WATERS TREATY NOT TO POLLUTE WATER CROSSING THE BOUNDARY TO THE INJURY OF HEALTH OR PROPERTY IN CANADA, AND THAT NO CONSTRUCTION ON THE GARRISON DIVERSION UNIT POTENTIALLY AFFECTING WATER FLOWING INTO CANADA WILL BE UNDERTAKEN UNTIL IT IS CLEAR THAT THIS OBLIGATION WILL BE MET. THE ANNOUNCED DELAY IN THE SUBMISSION OF THE COMMISSION'S FINAL REPORT TO GOVERNMENTS ON THE GARRISON PROJECT DOES NOT AFFECT THE STATUS OF THAT ASSURANCE. END TEXT. KISSINGER

NOTE BY OC/T: POUCHED WINNIPEG.

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